

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

WILLIAM CUNDITT,

Plaintiff,

vs.

NDOC, *et al.*,

Defendants.

3:12-cv-00046-LRH-VPC

ORDER

This action was opened by the Clerk of Court as a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff has submitted an application to proceed *in forma pauperis*. However, no complaint has been submitted. An action must have an operative pleading to proceed. *See* Fed. R. Civ. P. 8(a). As there is no complaint filed in this action, it will be dismissed, without prejudice to filing a complaint as a new action.

IT IS THEREFORE ORDERED that this action is **DISMISSED**, without prejudice, for failure to present a complaint.

IT IS FURTHER ORDERED that all pending motions, including the application to proceed *in forma pauperis*, are **DENIED**.

IT FURTHER IS ORDERED that the Clerk of the Court shall send plaintiff two copies of an *in forma pauperis* application form for a prisoner, one copy of the instructions for same, two copies of a blank 42 U.S.C. § 1983 prisoner civil rights form, and one copy of instructions for the same.

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1 **IT IS FURTHER ORDERED** that plaintiff may file a complaint and *in forma pauperis*
2 application in a new action, but he may not file further documents in this action.

3 **IT IS FURTHER ORDERED** that the Clerk of Court shall enter judgment accordingly.

4 Dated this 23rd day of January, 2012.



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LARRY R. HICKS
UNITED STATES DISTRICT JUDGE